

**REMARKS**

Claims 1-30 are pending. Of these, claims 23-30 are withdrawn. By this Amendment, claims 1, 4, 5, 7, 8, 11, 14, 15, 18, and 22 are amended. No new matter is added.

Claims 1, 4, 5, 7, 8, 11, 14, 15, and 18 are amended to address the 35 U.S.C. §112, second paragraph rejection noted on page 3 of the Office Action. Claim 22 is amended to address the 35 U.S.C. §101 rejection noted on page 3 of the Office Action.

For the following reasons, reconsideration is respectfully requested.

**REJECTIONS UNDER 35 U.S.C. §112:**

On page 2 of the Office Action, claims 6, 7, 13, 14, 20, and 21 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The rejection is respectfully traversed.

It is respectfully noted that claims 6, 7, 13, 14, 20, and 21 are fully supported by the disclosure as originally filed to enable one of ordinary skill that the inventors had possession of, i.e., invented, the invention as claimed, so as to comply with the written description requirement. Specifically, claims 6, 7, 13, 14, 20, and 21 are supported by the written description in at least paragraphs [0037], [0083], [0084] and [0088] of the Specification, and supported by the drawings in at least FIG. 3 and FIG. 10.

For example, regarding claims 6, 13 and 20, it is described in paragraph [0084] of the specification, and depicted in FIG. 10 of the drawings, that the accumulated temporary defect information (step #2 TDFL, i.e., TDFL #4) excluding the temporary information of the predetermined size (TDFL #3) is recorded in the temporary defect information area contiguously with the temporary information of the predetermined size (TDFL #3).

Moreover, paragraph [0037] of the specification and FIG. 3 further disclose that the system controller 215 controls accumulation of previous temporary defect information during each operation until the amount of the accumulated temporary defect information to be recorded reaches a predetermined size. Furthermore, if the accumulated temporary defect information excluding the predetermined size reaches the predetermined size, the accumulated temporary defect information is added with the previous temporary defect information with the

predetermined size and both the accumulated and predetermined size temporary defect information are continuously recorded. That is, the temporary defect information that is double the predetermined size is continuously recorded in response to the system controller 215. Thus, claims 6, 13 and 20 are supported by the specification.

Regarding claims 7, 14 and 21, it is described in paragraph [0084] of the Specification, and depicted in FIG. 10 of the drawings, that the pointer information indicating a location of the TDFL #3, size of the TDFL #3, and the accumulated temporary defect information step #2 TDFL pointer, are recorded. In addition, it is noted that paragraphs [0084] and [0088] of the specification, and FIG. 10 of the drawings show TDFL #3 and TDFL #4 as contiguous temporary defect information. Therefore, claims 7, 14 and 21 are supported by the paragraph [0088] of the specification and FIG.10.

Additionally, it is respectfully submitted that there is no requirement to describe the subject matter of the claims literally in the Specification (referred to *as in haec verba*, see MPEP § 2163.02). Therefore, support for a claimed feature is not to be based exclusively on use of the same word from the Specification. Further, in addition to the Specification, case law noted in the MPEP §2163 (II)(A)(3)(a) at 2100-179, first paragraph, indicates that "drawings alone may provide a 'written description' of an invention as required by Sec. 112\*" Vas-Cath, 935 F.2d at 1565, 19 USPQ2d at 1118), as additional support. Thus, use of the term "contiguous" in claims 6 and 7 are supported by the written description and the drawings, and claims 13, 14, 20, and 21 are also supported for similar reasons.

Accordingly, it is respectfully submitted that claims 6, 7, 13, 14, 20, and 21 comply with the written description requirement. Withdrawal of the rejection is respectfully requested.

On page 3 of the Office Action, claims 1-22 are rejected under 35 U.S.C. §112, second paragraph, as indefinite.

While it is believed that the claims 1-22 were definite, and in compliance with 35 U.S.C. §112, second paragraph, claims 1, 4, 5, 7, 8, 11, 14, 15, and 18 are amended to obviate the rejections by deleting the parentheses. Withdrawal of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. §101:**

On page 3 of the Office Action, claim 22 is rejected under 35 U.S.C. §101 as non-statutory.

While it is believed that the claim 22 was previously compliant under 35 U.S.C. §101 as would have been understood by one of ordinary skill in the art, claim 22 is amended to obviate the rejection to clarify that the medium is an encoded medium with a computer program instructions that, when executed by a recording apparatus, cause the recording apparatus to perform the recited process.

In addition, paragraph [0091] of the specification has been amended to delete reference to "carrier waves" in order to render the rejection moot. Therefore, withdrawal of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. §102:**

On page 5 of the Office Action, claims 1-22 are rejected under 35 U.S.C. §102(e) as being anticipated by Park et al. (U.S. Patent No. 7,289,404). The rejection is respectfully traversed.

Based on the following, it is respectfully submitted that Park is disqualified as an applicable prior art for 35 U.S.C. §102(e) purposes. Specifically, it is respectfully submitted that this Application claims priority from, Korean Patent Application 2003-16498 filed on March 17, 2003 Korean Patent Application 2003-18021 filed on March 22, 2003, and Korean Patent Application 2004-179 filed on January 3, 2004.

Of the three priority documents, it is respectfully noted that this Application is fully supported by at least Korean Patent Application 2003-16498 filed on March 17, 2003, and Korean Patent Application 2003-18021 filed on March 22, 2003. Accordingly, Verified English Language translations and Statements for the accuracy thereof are filed herewith to obtain the benefit of the March 17, 2003 filing date of Korean Patent Application 2003-16498, and the benefit of the March 22, 2003 filing date of Korean Patent Application 2003-18021.

On the other hand, the applied reference to Park was filed in the United States on September 26, 2003, which is after the established filing date of March 17, 2003 for Korean Patent Application 2003-16498 and the established filing date of March 22, 2003 for Korean

Patent Application 2003-18021. Accordingly, Park is not an applicable prior art reference for 35 U.S.C. §102(e) purposes based on the above established dates. Consequently, claims 1-22 are patentable. Withdrawal of the rejection is respectfully requested.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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